

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Michael Sean Speight

V.

Civil No. **1:24-cv-00055**
Chief Judge Landya B. McCafferty

Amanda Kaelblein
Michael Kaelblein
Nancy Kaelblein
Eric Stephanie(Professional, individual capacity)

**MOTION TO TRANSFER CASE UNDER 28 U.S.C. 140(a), AND 28
U.S.C. 1631**

The plaintiff requests this Honorable Court to transfer this complaint to the Boston district division.

For the following reasons;


- a. The plaintiff in plain error filed in the wrong venue, this case is a diversity of citizenship . The plaintiff resides in New Hampshire and the defendants reside in Massachusetts in plain error the defendant believed since they were in the same 1st District this Court had jurisdiction over them.

- b. The pro-se litigant has proven Eric Stephanie has violated the plaintiffs Constitutional rights intentionally through his actions.
- c. As a pro-se litigant they should be held to less stringent standards.
- d. One defendant has not answered the complaint, now agreeing to Woburn Probate Court to let the plaintiff to see his minor child V.S., ONLY AFTER SERVED WITH FEDERAL COMPLAINT, but still 26 months have gone by, there has been damage done to the plaintiff and minor child.
- e. In the interest of justice, the pro-se litigant should be allowed to fix the deficiencies in the complaint when there is overwhelming evidence against the defendants.

WHEREFORE, the plaintiff requests the relief requested.

Date 7/25/24

Respectfully Submitted,


Michael sean Speight
100 Main st.#106
Pembroke,NH 03275

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**MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER
CASE UNDER 28 U.S.C. 140(a), AND 28 U.S.C. 1631**

INTRODUCTION

The plaintiff filed this case as a diversity of citizenship complaint, where the plaintiff lives in New Hampshire, and the defendants live in Massachusetts. The plaintiff in plain error filed in New Hampshire Federal Court, instead of Boston believing since they were in the 1st District this Court had jurisdiction.

STATEMENT OF FACTS

Since there has been a significant amount of pleadings done on this complaint, and the plaintiff has proven being a reasonable doubt DOR Lawyer Eric Stephanie has violated the plaintiffs Constitutional rights, one defendant has not answered the complaint at all evading responsibility, and the other two defendants who do have significant ties to New Hampshire, who all worked in joint action with Amanda Kaelblein in the interest of justice and not to waist Courts time and resources even more, the case should be moved to the proper venue.

LEGAL STANDING

Under 28 U.S.C. 140 (a) " This statute provides that a district court can transfer a case to another district or division where it could have been brought if it is filed in the wrong venue.

The goal is to cure defects related to the venue and ensure the case proceeds in the appropriate court."

Under 28 U.S.C. 1631 " This statute allows for a transfer of a case if the court finds there is a want for jurisdiction, and in the interest of justice.

It is often invoked for pro-se litigants to avoid dismissal and to ensure

their case is heard on its merits."

ARGUMENT

1. The complaint should be transferred to the proper venue, to avoid dismissal when plaintiffs' likelihood for success on merits is extremely high, in the interest of justice.

In Caldwell v. Palmetto State Sav. Bank of South Carolina, 811 F.2d 916 (5th Cir. 1987) "The Fifth Circuit held that transferring a pro-se litigants case rather than dismissing it for improper venue aligns with the interest of justice"

In this case more so when the plaintiff already has proven there has been in fact constitutional rights violations.

In Henderson v. United States, 517 U.S. 654 (1996) "The Supreme Court underscored the importance of leniency toward pro-se litigants in procedural matters, which can include the transfer of a case filed in the wrong venue.

**2. THIS PRO-SE LITIGANT SHOULD BE HELD TO LESS
STRINGENT STANDARDS THEN PROFESIONAL LAWYERS.**

In Haines v. Kenner, 404 U.S. 519 (1972) " This landmark Supreme Court case held that pleadings of pro-se litigants are to be held to less stringent standards than those drafted by lawyers."

In Hughes v. Rowe, 449 U.S. 5 (1980) "The Supreme Court held that even though pro-se complaint may be dismissed for failure to state a claim, the standard for doing so is higher for pro-se litigants"

This plaintiff has already proven Eric Stephanie violated the plaintiffs rights under 1983, one defendant Amanda Kaelblein has failed to even answer due to evading responsibility for her actions , and the other two defendants worked in joint action with Amanda Kaelblein, who worked in Joint action with Eric Stephanie. So the claim even though has deficiency in the interest of justice the plaintiff should be able to rectify them.

Also see Estelle v. Gamble, 429 U.S. 97 (1976), Erickson v. Pardus, 551 U.S. 89 (2007), and Boag v. MacDougall, 454 U.S. 364 (1982)

CONCLUSION

Where the plaintiff has proven Eric Stephanie violated his rights by evidence entered, Amanda Kaelblkein is evading the Court, and the two other defendants worked in joint action with Amanda Kaelblein which the plaintiff will prove.


Due to plain error and not being held to the same standard as a trained professional the case should be transferred to the proper venue in the interest of justice and the merits of the case.

RELIEF REQUESTED

WHEREFORE , THE COMPLAINT SHOULD BE TRANSFERRED
TO PROPER VENUE

Date 7/25/24

Respectfully Submitted,


Michael sean Speight
100 Main st.#106
Pembroke,NH 03275

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V.


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AFFIDAVIT IN SUPPORT OF MOTION TO TRANSFER TO PROPER
COURT

I swear under the pains and penalty of perjury that everything is true
and correct to the best of my knowledge .

Date 7/25/24


Michael sean Speight
100 Main st.#106
Pembroke,NH 03275

State of New Hampshire, county of MERRIMACK The foregoing

instrument was acknowledged before me on this 7/25/24

Linda A. Williams

My commission expires 9/18/2024

